

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : : 17-cr-482 (JSR)
: :
-v- : : MEMORANDUM ORDER
: :
PETER G. JOHNSON : :
: :
Defendant. : :
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JED S. RAKOFF, U.S.D.J.

Before the Court is the motion of defendant Peter G. Johnson for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Johnson is serving a thirty-six month sentence at FCI Fort Dix for conspiracy to commit bank fraud and wire fraud. See Judgment, ECF No. 86 (Aug. 20, 2018). He began serving his term on September 24, 2018. On March 28, 2020, after the start of the coronavirus pandemic, Johnson submitted a pro se application to the warden of FCI Fort Dix for compassionate release, arguing that his age and general poor health put him at high risk of complications if he were to contract the virus. Defense's Second Motion to Reduce Sentence at 1, ECF No. 114 (Apr. 24, 2020).

Johnson's counsel brought the instant motion to this Court on April 8, but then withdrew the motion on April 13 at the request of the defendant, who believed his application for release had been granted by the Bureau of Prisons (BOP). This proved to be incorrect, as no action had been taken. Then, on

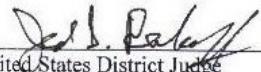
April 23, while waiting for the BOP to act on his application, Johnson tested positive for the coronavirus. Id. His counsel then renewed the instant motion on April 24.

Yesterday, however, the BOP officially approved Johnson's application for compassionate release. Government's Response in Opposition at 3, ECF No. 115 (Apr. 30, 2020). Nonetheless, his release date has not been set; but FCI Fort Dix has recommended that he be released on May 8, i.e., one week from today. Id. at 3.

The Court urges the BOP to promptly set a firm release date, and to allow the defendant to commence home confinement as soon as it is practical and safe for him to do so. Nevertheless, because the administrative process is proceeding in what appears to be a positive direction, the instant motion is denied as moot, without prejudice to renewal if the defendant is not released by May 8.

SO ORDERED.

Dated: New York, NY
May 1, 2020



United States District Judge